

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL GUEVARA, a minor, by his
Mother and best friend, ELBA GUEVARA,
et. al,

Plaintiffs,

-against-

PHILIP AMICONE, *et. al*,

Defendants.

07 Civ. 6941 (CS)
Consolidated

**PLAINTIFFS' PROPOSED
VERDICT SHEET**

-----X
VIOLETA DZIKOVIC, *et. al*,

Plaintiffs,

-against-

PHILIP AMICONE, *et. al*,

Defendants.

07 Civ. 7692 (CS)
Consolidated

-----X
RICHARD BLASSBERG,

Plaintiff,

-against-

PHILIP AMICONE,

Defendant.

08 Civ. 1506 (CS)

-----X
Plaintiffs by their attorneys Lovett & Bellantoni, LLP, submit the annexed proposed
verdict sheet, subject to a reservation of rights to amend same as justice may require.

Dated: Hawthorne, N.Y.
September 30, 2010

LOVETT & BELLANTONI, LLP

By: 

Jonathan Lovett (4854)

Attorneys for Plaintiffs
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VERDICT SHEET

As to Plaintiffs' claims

1. Have the following Plaintiffs established by a preponderance of the evidence that their

First Amendment rights were violated:

Richard Blassberg Yes___ No___

Maribel Ayala Yes___ No___

Cesar Castillo Yes___ No___

Michael Guevara Yes___ No___

Richard Guevara Yes___ No___

Jason Gonzalez Yes___ No___

Maumer Kllapija	Yes___	No___
Dominica L. O'Neill	Yes___	No___
Christian Salazar	Yes___	No___
Joni Campbell	Yes___	No___
James Carey	Yes___	No___
Dominick D'Intino	Yes___	No___
Kenneth Heslop	Yes___	No___
Anton Lukaj	Yes___	No___
Nikola Lukaj	Yes___	No___
Krishenday Marjah	Yes___	No___
Robert Palermo	Yes___	No___
Gabriel Potente	Yes___	No___
Joseph Potente	Yes___	No___
Salvatore Potente	Yes___	No___
Wendy Ram	Yes___	No___
Derek Roberto	Yes___	No___
Randa Sayegh	Yes___	No___
Chandra Sookdeo	Yes___	No___
Hatixha Zherka	Yes___	No___
Kujtim Zherka	Yes___	No___

2. Have the following Plaintiffs established by a preponderance of the evidence that their rights to Equal Protection were violated:

Richard Blassberg	Yes___	No___
Maribel Ayala	Yes___	No___
Cesar Castillo	Yes___	No___
Michael Guevara	Yes___	No___
Richard Guevara	Yes___	No___
Jason Gonzalez	Yes___	No___
Maumer Killapija	Yes___	No___
Dominica L. O'Neill	Yes___	No___
Christian Salazar	Yes___	No___
Joni Campbell	Yes___	No___
James Carey	Yes___	No___
Dominick D'Intino	Yes___	No___
Kenneth Heslop	Yes___	No___
Anton Lukaj	Yes___	No___
Nikola Lukaj	Yes___	No___
Krishenday Marjah	Yes___	No___
Robert Palermo	Yes___	No___
Gabriel Potente	Yes___	No___
Joseph Potente	Yes___	No___
Salvatore Potente	Yes___	No___
Wendy Ram	Yes___	No___

Derek Roberto	Yes___	No___
Randa Sayegh	Yes___	No___
Chandra Sookdeo	Yes___	No___
Hatixha Zherka	Yes___	No___
Kujtim Zherka	Yes___	No___

If you answered “yes” to any part of questions #1 and #2, proceed to question #3.

If you answered “no” to every part of questions #1 and #2, proceed to question # 6.

3. State each of the following Plaintiff’s compensatory damages:

Richard Blassberg	\$_____
Maribel Ayala	\$_____
Cesar Castillo	\$_____
Michael Guevara	\$_____
Richard Guevara	\$_____
Jason Gonzalez	\$_____
Maurer Kllapija	\$_____
Dominica L. O’Neill	\$_____
Christian Salazar	\$_____
Joni Campbell	\$_____
James Carey	\$_____
Dominick D’Intino	\$_____
Kenneth Heslop	\$_____

Anton Lukaj	\$ _____
Nikola Lukaj	\$ _____
Krishenday Marjah	\$ _____
Robert Palermo	\$ _____
Gabriel Potente	\$ _____
Joseph Potente	\$ _____
Salvatore Potente	\$ _____
Wendy Ram	\$ _____
Derek Roberto	\$ _____
Randa Sayegh	\$ _____
Chandra Sookdeo	\$ _____
Hatixha Zherka	\$ _____
Kujtim Zherka	\$ _____

4. Should punitive damages be awarded against Philip Amicone: Yes:____ No:____

If you answered “yes” to question #4, proceed to question #5.

If you answered “no” to question #4, proceed to question #6.

5. State for each of the Plaintiffs the amount of punitive damages to be awarded against

Philip Amicone:

Richard Blassberg	\$ _____
Maribel Ayala	\$ _____

Cesar Castillo	\$ _____
Michael Guevara	\$ _____
Richard Guevara	\$ _____
Jason Gonzalez	\$ _____
Maumer Kllapija	\$ _____
Dominica L. O'Neill	\$ _____
Christian Salazar	\$ _____
Joni Campbell	\$ _____
James Carey	\$ _____
Dominick D'Intino	\$ _____
Kenneth Heslop	\$ _____
Anton Lukaj	\$ _____
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Krishenday Marjah	\$ _____
Robert Palermo	\$ _____
Gabriel Potente	\$ _____
Joseph Potente	\$ _____
Salvatore Potente	\$ _____
Wendy Ram	\$ _____
Derek Roberto	\$ _____
Randa Sayegh	\$ _____
Chandra Sookdeo	\$ _____
Hatixha Zherka	\$ _____

Kujtim Zherka \$ _____

As to Defendant Amicone's claims

6. Has Amicone proven by a preponderance of the evidence that the following statement would tend to expose him to public hatred, contempt, ridicule or disgrace?

“People now realize that Phil Amicone is a real tyrant, an oppressive politician who cannot accept criticism. He is no friend of the city’s public employees. He called Yonkers teachers ‘terrorists’ for picketing for higher wages. He refused new police and fire department contracts for 2 ½ years. He is a huge hypocrite. Pretending to be ‘holier than thou’, he actually frequents strip clubs, even had a ‘lap dance’ from a girl by the name of Sassy.”

Yes: ____ No: ____

If you answered “no” to this question, proceed no further and report to the Court.

If you answered “yes” to this question, proceed to question #7.

7. Has Amicone proven by a preponderance of the evidence that the statement referred to him, meaning that the statement would reasonably be understood to be about him?

Yes: ____ No: ____

If you answered “no” to this question, proceed no further and report to the Court.

If you answered “yes” to this question, proceed to question #8.

8. Has Amicone proven by a preponderance of the evidence that the statement was actually read by someone other than Amicone by reason of the conduct of:

Blassberg: Yes:___ No:___

Zherka: Yes:___ No:___

Guardian: Yes:___ No:___

If you answered “no” to each part of this question, proceed no further and report to the Court.

If you answered “yes” to any part of this question, proceed to question #9.

9. Has Amicone proven by clear and convincing evidence that the statement was false, meaning substantially untrue? Yes:___ No:___

If you answered this question “no”, proceed no further and report to the Court.

If you answered this question “yes”, proceed to question #10.

10. Has Amicone proven by clear and convincing evidence that the statement was known to be false or was made in reckless disregard of the truth or falsity of the statement by:

Blassberg: Yes:___ No:___

Zherka: Yes:___ No:___

Guardian: Yes:___ No:___

If you answered “no” to each part of this question, proceed no further and report to the Court.

If you answered “yes” to any part of this question, proceed to question #11.

11. State Amicone's compensatory damages with respect to:

Blassberg: \$ _____

Zherka: \$ _____

Guardian: \$ _____

If you answered "no" to each part of this question, proceed no further and report to the Court.

If you answered "yes" to any part of this question, proceed to question #12.

12. Has Amicone proven that the statement was made with a deliberate intent to injure or out of hatred, ill will or spite or with a willful, wanton, or reckless disregard of Amicone's rights by:

Blassberg: Yes: _____ No: _____

Zherka: Yes: _____ No: _____

Guardian: Yes: _____ No: _____

If you answered "no" to each part of this question, proceed no further and report to the Court.

If you answered "yes" to any part of this question, proceed to question #13.

13. State the amount of punitive damages awarded against:

Richard Blassberg: \$ _____

Selim Zherka: \$ _____

Guardian: \$ _____